

LEGISLATIVE INTERDEPARTMENTAL GROUP MEETING

Date: May 5, 1971

Time and Place: 4:11 - 5:52 p.m., White House Situation Room

Attendees:

Chairman- Brig. Gen. Alexander M. Haig

State- Mr. David M. Abshire
Mr. Joseph Wolf

Defense- Brig. Gen. James F. Lawrence
Mr. Rady Johnson
Mr. Stuart French

Justice- Mr. Robert Wilde

CIA-

ON-FILE NSC RELEASE INSTRUCTIONS
APPLY

White - Mr. Kenneth E. BeLieu
House Mr. Richard K. Cook
Mr. Jonathan C. Rose

OSD Review Completed

NSC- Mr. John Lehman
Staff Mr. Keith Guthrie

State Dept. review completed

1. Draft Bill

BeLieu gave a situation report. The bill has been reported out of committee and will be pending business on May 6. Sen. Mansfield thinks the debate may last six weeks.

Getting a vote estimate is difficult, since the unpalatable subject matter makes supporters undependable. Sen. Buckley, for example, sought to back out on a previous commitment to vote for the bill.

BeLieu thinks neither side has the votes for a complete victory. Senator Schweiker believes 52 votes can be mustered in favor of a one-year extension, although BeLieu considers this questionable. BeLieu counts 37

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firmly against the Administration bill, 6-13 doubtful with perhaps 7 of these leaning toward the Administration. BeLieu estimates the Administration can win by 2-3 votes or lose by 6-7.

Prairie-fire amendments are a real danger. They might take the following forms: authorizing a personal appeal for all draftees, total Vietnam withdrawal by December 31, no draftees in Vietnam, Gates Commission pay levels, end the draft.

Administration strategy is to hold the line on a two-year extension and defeat all crippling amendments. Hopefully, we can pick up votes from those who first want to vote for zero draft, then, following defeat of that proposal, will vote for two-year extension. Some support may be obtainable from those who favor the Stennis amendment limiting the draft to 150,000 although the Administration prefers to avoid such a limit if possible.

Haig asked about developing rationale to support the bill and oppose amendments. BeLieu described plans to have a support group, staffed by Defense and Selective Service, close to the floor. Scali suggested emphasizing how abolishing the draft would cripple Vietnamization. BeLieu said another argument for two-year extension was the desirability of avoiding an election-year fight on draft. He cited evidence that we cannot go to an all-volunteer policy in Vietnam. Haig noted the importance of getting the pending Defense study on an all-volunteer force in Vietnam.

Haig asked about approaches to interest groups and a target list of Senators and Congressmen. BeLieu cited contacts already made with veterans groups and support received from the National Guard. A target list has been prepared.

Scali asked about mail. BeLieu said no complaints on this score had been received yet from Senators and Congressmen. Colson's office is prepared to crank up mail in support of the Administration bill if necessary.

2. ABM

BeLieu praised Abshire's success in winning several votes. Abshire described State's plans for a series of breakfast briefings on ABM and SALT.

Haig asked about distribution of the DOD weekly report on Safeguard. Cook, BeLieu, Scali, and Crane asked to receive the report.

3. Stop the War Legislation

Abshire and [] noted that at recent hearings SFRC members hit Irwin and Helms especially hard on the constitutional authority for the war in North Laos.

Abshire stressed the need to develop a legal case, based on SEATO and the Protocol. Senators like Cooper, who wants to be helpful, will only accept a justification based on protecting the withdrawal of U.S. troops. Careful handling is required to avoid alienating Administration friends and driving SFRC members behind Fulbright.

Haig asked Justice and State to prepare within two weeks a position paper on the constitutional authority question.

BeLieu stressed the need to have briefing and speech material readily available to meet requests from the Hill. Lehman suggested following the practice used with Cooper-Church of designating a department to have responsibility for providing material on each issue.

Haig directed that a wiring diagram be prepared showing sources of information for each issue. Abshire said State would provide one individual to correlate information material.

Haig stressed that the Don Luce case was a touchy issue and that it was essential to insure that the South Vietnamese justify their actions so that they can be defended here. Abshire promised to look into the matter and report back to the LIG.

With regard to Fulbright's request to have Laird testify on "End the War", Haig pointed out that to do so would provide an opportunity for the Committee to make attacks on other issues. Abshire and BeLieu thought it preferable for Laird to testify on end-the-war rather than war powers, if there were a choice.

4. Radio Free Europe Bill

Abshire reported Rep. Mahon's refusal to consider a one-year extension pending enactment of the new legislation. Mahon promised to expedite the appropriation under the new law and pointed out that RFE would probably have a two-month grace period under a continuing resolution.

Speaker Albert had pledged full cooperation, including a suspension of the rules, if Rep. Morgan reported the new bill out. Morgan, because of subcommittee jurisdictional problems, wanted to see the bill before committing himself.

Abshire said Sens. Mansfield and Ellender would be approached right away.

Abshire was optimistic about putting together a liberal/conservative majority for the new bill. Liberals were interested in improving international

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communications, and conservatives saw RFE as a cold-war weapon. Sen. Case had asked to sponsor the Administration bill.

Abshire said that after initial Congressional consultations were completed, a high-level approach, either by Secretary Rogers or the President, would be needed to urge the leadership to take prompt action on the bill. Haig thought the President himself would be willing to do this.

5. War Powers Legislation

Lehman stressed the importance of developing a strong legal argument to combat bills that would likely be introduced by Sens. Javits and Eagleton. It was particularly important to strengthen the draft statement prepared for Secretary Rogers' scheduled testimony on May 14.

Haig reminded LIG members that they were supposed to submit position papers at this meeting. He directed Lehman to review the Rogers statement and develop a bank of material. BeLieu should provide any material he had available to Lehman. Abshire suggested Lehman contact Carl Salans and George Aldrich, who were working on the war powers issue at State.

Lehman mentioned resuscitating the Zablocki approach, and Cook cautioned against depending on the House this year to block any war powers legislation that might pass the Senate.

Abshire noted that the Middle East situation provided one of the best arguments against the war powers bills. Pro-Israeli groups might provide support, but State was not the best agency to approach them. Haig suggested that Abshire coordinate on this with Lehman, who would see what might be done through Len Garment about enlisting the Israel lobby.

6. GAO Audit of Berlin Occupation Costs

Haig asked State, Defense, and Justice to submit "this week" recommendations on how to respond to the renewed request for an audit from Sen. Fulbright and Comptroller General Staats. Abshire expressed concern that a negative reply might alienate many Senators on other issues. BeLieu suggested a gentle stall. Haig said he was not persuaded we should change our previous policy of no audit but that it might not be wise to be hardnosed if this would cost us on other more important matters.

7. GAO/DDR&E Threat Study

reported that Helms, as directed by Kissinger, had informed Staats that CIA could not cooperate with the study. Johnson thought handling Sen. McIntyre would not be a major problem.

8. Moose/Lowenstein-Symington Hearings

Lehman said that the reports that Moose and Lowenstein had had access to secret cables came out of the recent SFRC hearings at which Irwin testified. Sen. Fulbright had referred to cables on sortie rates seen by SFRC staffers. Wolf clarified that Fulbright merely said that he had received a report on sortie rates from a staff member. Haig said he was not sure we should do anything more than worry about the problem at this time.

Lehman asked about Sen. Symington's further plans. Wolf said we did not yet have any indication what Symington was going to do.

9. Pending Congressional Letters

a. Fulbright to DOD, April 30

Haig agreed with French's proposal that Defense make a stonewall reply but asked that all interested parties have a chance to see the proposed Defense response. French pointed out that this Fulbright letter was a case of GAO's getting influential Committee chairmen to request data that was beyond the scope of GAO's statutory responsibilities. It was, important therefore, not to let GAO get away with such a tactic.

b. McCloskey to DOD

Haig said that McCloskey should be given a polite negative reply.

c. Church to DOD

French explained that Sen. Church wanted to summon our Defense Attache in Brazil. Haig agreed that we should follow the established policy that only the head of an intelligence agency can appear before Congress and that we should therefore tell Church that he should request Gen. Bennett.

d. Fulbright to State

Abshire said Fulbright wanted a statement of State's policy on what types of information may be provided to the SFRC. This was triggered by Committee members' desire to see reporting cables on the Pakistan conflict. Refusal to give the Committee anything was alienating many otherwise friendly Senators (e.g., Sparkman), who did not disagree with our Pakistan policy but who thought the Committee was entitled to see some of the cables. State thought it desirable to provide the committee a selection of situation reports, which would provide only factual information on the situation in East Pakistan.

Haig said that the President would be very disturbed if anything were released that could be used to imply official USG criticism of the Government of Pakistan. It was imperative that this be kept in mind in screening any

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material for release to the Committee.

Abshire said that State would select some material and then clear with the White House before releasing it to the Committee. In addition, State would obtain an advance commitment from Sens. Case and Cooper that the material which State proposed to supply was sufficient for their requirements. Abshire thought a majority of the Committee would support State's refusal to release the Dacca cable dissenting from U.S. policy.

Lehman asked whether declassifying the sortie rates might not reduce Congressional pressures on this and other issues. Abshire thought it wouldn't help much on Pakistan. However, Abshire, BeLieu, and Scali saw advantages in releasing the sortie rates. French expressed reservations and pointed out that the sortie rates would provide Congress a means of costing out the air operations in Southeast Asia. Haig said he had no problems with releasing the sortie rates.

10. DOD Organization for Current Budget Struggle

Haig, Lehman, and BeLieu stressed the importance of coordinating all Administration dealings with the Hill on the Defense Budget. Johnson promised that all parties concerned would receive a wiring diagram as soon as all arrangements had been worked out.

Abshire suggested enlisting the support of Jewish American groups, because of the adverse implications for Israel of a Defense budget cut and because of their connections with liberals in Congress. Haig pointed out that State could probably do a better job of handling the doves than Defense.

Haig asked that any replies to letters received from Sen. Fulbright be checked with Lehman.

Cook noted that it might be more difficult mustering support in the House this year. Therefore, a series of White House briefings for rank-and-file House members is being arranged. They will be scheduled twice a week. This will probably not reverse the erosion of support in the House but may slow it down.

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